

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TIM WHATLEY
and SHEILA WHATLEY,

Plaintiffs,

versus

GREAT LAKES INSURANCE, SE,
and MCCLELLAND & HINE, INC.,

Defendants.























CIVIL ACTION NO. 1:19-CV-444

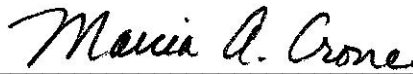
ORDER ADOPTING REPORT AND DENYING ATTORNEYS' FEES

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration. On December 15, 2020, the magistrate judge issued his Report and Recommendation (#53), recommending that the District Court deny Defendant Great Lakes Insurance, SE's Motion for Attorneys' Fees (#49). No party has filed objections pursuant to 28 U.S.C. § 636(b)(1)(c). In accordance with 28 U.S.C. § 636(b), the Court conducted a *de novo* review of the magistrate judge's findings, the record, and the applicable law in this proceeding.

After review, the Court finds that Judge Giblin’s findings and recommendations should be accepted. Defendant failed to comply with Federal Rule of Civil Procedure 11’s safe harbor provision. The Court cannot award attorneys’ fees under Rule 11. *See Askins v. Hagopian*, 713 F. App’x 380, 380 (5th Cir. 2018) (per curiam). The Court accordingly agrees with the

magistrate judge's findings. It is therefore ORDERED that the Report and Recommendation (#53) is ADOPTED. Defendant's Motion for Attorneys' Fees (#49) is DENIED.

SIGNED at Beaumont, Texas, this 4th day of February, 2021.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE